

KENNETH HUNT,

Plaintiff,

vs.

CUSTOM CABLE INDUSTRIES, INC.
and COMVEST CAPITAL, LLC,

Defendants.

THIS MATTER is before the Court *sua sponte* following the filing of Defendant ComVest Capital, LLC's Motion to Dismiss for Lack of Personal Jurisdiction pursuant to Fed. R. Civ. P. 12(b)(2), (Doc. No. 19) filed April 8, 2011. Upon review of the pleadings, the Court finds that more information and documentation concerning the issues raised in the motion.

IT IS, THEREFORE, ORDERED, that Plaintiff be permitted to conduct limited jurisdictional discovery into the extent of Defendant ComVest Capital's contacts in North Carolina. Plaintiff must serve his discovery requests within seven (7) calendar days from the date of this Order and is limited to ten (10) interrogatories and ten (10) requests for production of documents. Discovery pursuant to this Order is expressly limited to the issues raised by Defendant ComVest Capital's Motion to Dismiss for Lack of Personal Jurisdiction. Accordingly, counsel is cautioned to be specific and no broader than necessary in its interrogatories and requests. Defendant ComVest Capital must respond to the discovery requests within fourteen (14) calendar days from the date of service of said interrogatories and requests.

Consistent with the spirit, purpose, and explicit directives of the Federal Rules of Civil Procedure and this District's Local Rules, the Court expects all parties (and counsel) to attempt in

good faith to resolve discovery disputes without the necessity of court intervention. Failing this, the parties are required, within forty-eight (48) hours after a discovery dispute arises, to schedule and submit to an informal telephonic conference before the referral magistrate judge. The judicial officer presiding over such a teleconference shall have jurisdiction to: (i) mediate the parties' own resolution of the dispute; (ii) make a summary legal determination on the merits of the dispute, if appropriate; (iii) require the aggrieved party to file a written motion to compel and/or set an abbreviated briefing schedule, if appropriate; and (iv) award appropriate sanctions pursuant to Rule 37.

Supplemental briefing by Defendant in support of its motion to dismiss shall be due seven (7) days following service of Defendant's discovery responses, but in any event, no later than Wednesday, June 29, 2011. Plaintiff shall file its supplemental response no later than seven (7) days following service of Defendant's supplemental brief, but in any event, no later than Wednesday, July 6, 2011.

IT IS SO ORDERED.

Signed: June 2, 2011

A handwritten signature in black ink, appearing to read "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

